

Appl. No. : 09/787,784  
Filed : July 30, 2001

### REMARKS

Applicant filed a Preliminary Amendment in the above-captioned application on September 28, 2001. The Preliminary Amendment canceled Claims 1-8 and added new Claims 9-30, and added appropriate headings to the specification.

In the above-captioned application, an Office Action was mailed on March 11, 2004. The Office Action is based upon Claims 1-8, which were canceled by the Preliminary Amendment. Applicant's representative contacted Examiner Sherr to provide notice that the Office Action should have been based upon new Claims 9-30. Examiner Sherr informed Applicant that the file does not include a Preliminary Amendment and invited Applicant to submit evidence that the Preliminary Amendment was filed. On April 1, 2004 that evidence was submitted in a fax filing entitled Request for Issuance of New Office Action Based on Preliminary Amendment filed September 28, 2001. On April 20, 2004 Examiner Sherr left a voice mail message with Applicant's representative which indicated she had received the fax filing with Preliminary Amendment and expected to issue a substitute Office Action in approximately two weeks. Applicant's representative followed-up with Examiner Sherr in June regarding the substitute Office Action. On June 7, 2004 Examiner Sherr left a voice mail message which indicated that the USPTO scanning department was backed up and she would call us back with a status on the substitute Office Action.

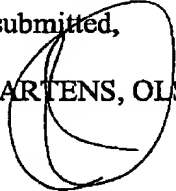
In view of the evidence filed herewith, Applicant respectfully requests the USPTO to issue a new Office Action based upon Claims 9-30 as filed on September 28, 2001, and thus, restart the statutory period for response.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/11/04

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